\$\746-4 Div. II No. 34261-8-II Superior. Ct. No. 05-2-09617-4

#### THE SUPREME COURT OF THE STATE OF WASHINGTON

ANDREW L. MAGEE, Defendant-Appellant,

v.

STATE OF WASHINGTON, Plaintiff-Respondent

# PETITION FOR REVIEW SUPPLEMENTAL BRIEF

Andrew L. Magee, WSBA# 31281 Attorney for Andrew L. Magee 44<sup>th</sup> Floor 1001 Fourth Avenue Plaza Seattle, Washington 98154 (206) 389-1675

SUPICE SU

Portions of this brief have been Stricken pursuant to Department Order of June 3, 2009.

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- 1. Whether the traffic citation in question was (A) issued unlawfully, in violation of Article 1, § 3 of the Constitution of the State of Washington, and of the United States Constitution, rendering it wholly void and defective, and (B) removing any basis for jurisdiction in the District Court, and making any proceeding and finding thereafter that Mr. Magee had committed the alleged infraction a denial of compulsory due process, and a violation of IRLJ 2.2, and;
- 2. Whether the detention to issue the void and defective citation was lawful, and a violation of Article 1, § 3 of the Constitution of the State of Washington, and the United States Constitution, and;
- 3. Whether the Superior Court's Affirmation of District Court recognized proper Revised Code of Washington section, and was in violation of the law set forth by the Supreme Court of the State of Washington and a

violation of Article 1, § 3 of the State of Washington Constitution, and the United States Constitution, and;

- 4. Whether the District Court violated IRLJ 3.1(b) regarding Discovery, and Article 1, § 3 of the Constitution of the State of Washington, and the United States Constitution, and;
- 5. Whether Mr. Magee, under the facts, could be cited for a moving violation as a matter of substantial public interest, and;
- 6. Whether it was physically possible for Mr. Magee to have done what was alleged, and;
- 7. Whether fatal procedural errors, of which there is a duty to disclose, were erroneously overlooked.

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### I IDENTITY OF PETITIONER

Andrew L. Magee, acting as Petitioner, (and on his own behalf,) respectfully submits this Petition for Review Supplemental Brief.

# II CITATION TO COURT OF APPEALS DECISION

Petitioner respectfully requests that the Citation to

Court of Appeals Decision contained in his Petition for

Review be incorporated by reference.

#### III ISSUES PRESENTED FOR REVIEW

- 1. Whether the traffic citation in question was (A) issued unlawfully, in violation of Article 1, § 3 of the Constitution of the State of Washington, and of the United States Constitution, rendering it wholly void and defective, and, (B) removing any basis for jurisdiction in the District Court, and making any proceeding and finding thereafter that Mr. Magee had committed the alleged infraction a denial of compulsory due process, and a violation of IRLJ 2.2, and;
- 2. Whether the detention to issue the void and defective citation was lawful, and a violation of Article 1, § 3 of

the Constitution of the State of Washington, and the United States Constitution, and;

- 3. Whether the Superior Court's Affirmation of District Court recognized proper Revised Code of Washington section, and was in violation of the law set forth by the Supreme Court of the State of Washington and a violation of Article 1, § 3 of the State of Washington Constitution, and the United States Constitution, and;
- 4. Whether the District Court violated IRLJ 3.1(b) regarding Discovery, and Article 1, § 3 of the Constitution of the State of Washington, and the United States Constitution, and;
- 5. Whether Mr. Magee, under the facts, could be cited for a moving violation as a matter of substantial public interest, and;
- 6. Whether it was physically possible for Mr. Magee to have done what was alleged, and;
- 7. Whether fatal procedural errors, of which there is a duty to disclose, were erroneously overlooked.

#### IV STATEMENT OF THE CASE

1. Petitioner, Mr. Magee, respectfully requests
that the Statement of the Case, 1., contained in his
Petition for Review be incorporated by reference and that
the following supplement that section:

As contained in Mr. Magee's Petition for Review, it is documented that the District Court found as a fact that, ""I'm convinced that she [Trooper] did not see you driving except for at her instruction." (CP-30)

That finding of fact by District Court was preceded and supported by the Trooper's sworn testimony, where the Trooper, when asked, "you [Trooper] in fact never saw me [Mr. Magee] do what you're accusing me of?" answered, "No." (CP-26)

Additionally, the Trooper, when pointed out to her that, "only having observed my car *parked* and *only parked*, you [Trooper] *never* witnessed my car driving on the 512 correct?" and the Trooper responded affirmatively, "Not until I advised you to leave . . . . "

(CP-26)

2. Petitioner, Mr. Magee, respectfully requests that the Statement of the Case, 2., contained in his Petition for Review be incorporated by reference.

- 3. Petitioner, Mr. Magee, respectfully requests that the Statement of the Case, 3., contained in his Petition for Review be incorporated by reference.
- 4. Petitioner, Mr. Magee, respectfully requests that the Statement of the Case, 4., contained in his Petition for Review be incorporated by reference and that the following supplement that section:

IRLJ 3.1, at the time of the unlawful issuance of the infraction stated:

- (b) Upon written demand of the defendant . . . the plaintiff's lawyer shall . . . provide the defendant or defendant's lawyer with a list of the <u>witnesses</u> the plaintiff the plaintiff intends to call at the hearing.
- IRLJ 3.1(b) (emphasis added)<sup>1</sup>
- 5. Petitioner, Mr. Magee, respectfully requests that the Statement of the Case, 5., contained in his Petition for Review be incorporated by reference.

<sup>&</sup>lt;sup>1</sup> Please note: IRLJ 3.1(b) now reads, in pertinent part, (b) Discovery. Upon written demand of the defendant... the plaintiff's lawyer shall at least 7 days before the hearing provide the defendant... the names of <u>any witnesses not</u> identified in the citing officer's sworn statement.

- 6. Petitioner, Mr. Magee, respectfully requests that the Statement of the Case, 6., contained in his Petition for Review be incorporated by reference.
- 7. Pursuant to RPC 8.3, and the duties there under, (a) Respondent failed to comply with the duty of candor to the court, and (b) the Superior Court ignored lack of compliance with the court rules, and (c) the Court of Appeals failed enforce it's rule(s), declared to be in force and to be applied in this case by the Court of Appeals, all of which, if complied with and enforced, would have resulted in dismissal of this matter in favor of Appellant, Mr. Magee.

#### **V ARGUMENT**

1. Petitioner, Mr. Magee, respectfully requests that the Argument 1., contained in his Petition for Review be incorporated by reference and that the following supplement that section:

In addition to the fact that the District Court found as fact that the Trooper in question did not witness what Mr. Magee was issued the citation for, the Trooper, under oath, admitted the same on the record. Namely, the Trooper, when asked, stated:

"you [Trooper] in fact never saw me [Mr. Magee] do what you're accusing me of?" answered, "No." (CP-26)

"only having observed my car *parked* and *only parked*, you [Trooper] *never* witnessed my car driving on the 512 correct?" and the Trooper responded affirmatively, "Not until I advised you to leave . . . . " (CP-26) (emphasis added)

The statements, under oath, of the Trooper, and the following finding of fact by the District Court, further solidifies application of RCW 46.030, 46.64.015, and RCW 10.31.100 – all of which preclude issuance of the citation which summonsed Mr. Magee to the District Court.

The Washington State Patrol has declared publicly its motto, "Service With Humility," and that it's values

are, among others, "Acting with integrity and accountability," and, "Respecting and protecting individual rights," and, "earning the trust and confidence of the public," and that it's goals include, "Make[ing] Washington roadways and ferries safe for the efficient transit of people and goods."

It is under Title 46 RCW – Motor Vehicles, and then Chapter 46.63 RCW – Disposition of Traffic Infractions, that RCW 46.63.030, and RCW 46.64.015 are found.

The District Court, correspondingly, is charged with the responsibility and adjudication of Traffic Infractions, and the IRLJ, placing Title 46/Chapter 46.63 at the forefront of their responsibility for applying and understanding.

It is, therefore, clearly the responsibility of the Trooper, and the District Court to be aware and

<sup>&</sup>lt;sup>2</sup> All contained in the Washington State Patrol's website, found at www.wsp.wa.gov/about/mission.htm

responsible to act in accordance with Title 46, Chapter 46.63, (which the District Court is intimately intertwined,) and preserve the integrity thereof. Instead, the Trooper and the District Court by-passed the law in issuing the citation and finding Mr. Magee having committed the alleged infraction.

This matter, and the intrusion into Mr. Magee's life, and the responsibilities, burdens, and costs of rectification, in the eyes of the plainly stated law, should never have come into existence.

- 2. Petitioner, Mr. Magee, respectfully requests that the Argument 2., contained in his Petition for Review be incorporated by reference.
- 3. Petitioner, Mr. Magee, respectfully requests that the Argument 3., contained in his Petition for Review be incorporated by reference.
- 4. Petitioner, Mr. Magee, respectfully requests that the Argument 4., contained in his Petition for

Review be incorporated by reference, and that the following supplement that section:

Mr. Magee requested the identification and contact information of any witness the state would call at the infraction hearing, as provided for, and as applies to the State, pursuant to IRLJ 3.1(b).

The State provided *no* identification and/or contact information regarding the witness, whose testimony was introduced via *double-hearsay* at the hearing.

The State, therefore, was in violation of IRLJ 3.1(b), not only for introducing the *double-hearsay* testimony of the alleged witness, but, and perhaps more importantly, for denying Mr. Magee access to that witness who would have exonerated Mr. Magee.

5. Petitioner, Mr. Magee, respectfully requests that the Argument 5., contained in his Petition for Review be incorporated by reference.

- 6. Petitioner, Mr. Magee, respectfully requests that the Argument 6., contained in his Petition for Review be incorporated by reference.
- 7. (a) Upon appeal of the unlawfully issued citation to Mr. Magee, and the legal error committed by the District Court, the Pierce County Office of the Prosecuting Attorney appeared in this matter. The Prosecuting Attorney declared to both Mr. Magee, and the Superior Court that:

Pursuant to RALJ 7.2, the appellants brief <u>must</u> be filed by September 8, 2005. <u>Our response brief must</u> be filed <u>30 days thereafter</u>. . . . If your brief and transcript <u>are not filed</u> by September 8, 2005, we will set this matter before Superior Court so that the Judge may take action. If you need an extension please contact our office prior to the above due date.

## (A-1) (emphasis added)

In doing so, the Prosecuting Attorney obligated itself to compliance with RALJ 7.2, and the due date(s) there under.

RPC 3.4 – Fairness to Opposing Party and Counsel, states:

A lawyer shall not: (c) knowingly disobey an obligation under the rules of a tribunal . . .

RPC 3.4(c)

The Prosecuting Attorney obligated itself to comply with RALJ 7.2 and to have action (to dismiss) taken should they not comply with RALJ 7.2

Mr. Magee, in compliance with RALJ 7.2, timely and properly filed and served his brief. Subsequently, the Prosecuting Attorney <u>failed</u> to comply with RALJ 7.2, and did not timely file, nor serve a brief upon Mr. Magee, whereupon Mr. Magee, as set forth by the Prosecuting Authority in Appendix 1, set a hearing date to have his appeal granted.

Becoming aware of this, the Prosecuting Attorney proceeded to attempt to *dupe* Mr. Magee into asking the Superior Court for an extension *for them (the prosecuting* 

attorney) to file their brief, stating, in a telephone message left with Mr. Magee:

... Hi Mr. Magee, this is Grace Kingman calling from the Pierce County Prosecutor's Office, and I'm calling in regard to your RALJ appeal on a traffic infraction that occurred down here in Pierce County and, um, I noticed that you have set the oral argument for this Friday, October 28, and I just wanted to let you know that, um, obviously our brief isn't done, I will have it done probably by Friday, [October 28, 2005] by this Friday, but that doesn't give you time to review it and respond if you choose, or just, you know, help you prepare for your, um, for your oral argument, so I was wondering if you wanted to continue your oral argument for a week or two, um, or the oral argument, rather, for a week or two, um, give you some, a chance to consider our brief, um, and so forth, so, um, let me know what you think about that, I am at 253-798-6629, again, my name is Grace Kingman, I'm the attorney that is in charge of the RALJ appeals, um, normally we meet the deadlines, but, I actually was out of the office for a couple of weeks . . . so we sort of got behind . . .

# (A-2) (emphasis added)

(b) Mr. Magee appeared, as did the Prosecuting
Attorney at the hearing and moved, just as the
Prosecuting Attorney indicated they would, to have his
appeal heard unopposed and granted.

### RPC 3.3 – Candor Toward the Tribunal, states:

(a) A lawyer shall not knowingly: (1) ... fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

RPC 3.3(a)(1)

Having stated to Mr. Magee and the Superior

Court that if RALJ 7.2 were not complied with, that
action to dismiss the appeal would be taken, the

Prosecuting Attorney, instead of conceding it's noncompliance, and therefore conceding the appeal, asked
the court to be allowed to proceed, requiring a
continuance, which, when the parties re-appeared,
resulted in this matter being affirmed, which led to Mr.

Magee appealing this matter to the Court of Appeals.

- (c) Discretionary review was granted to Mr.

  Magee's appeal by the Court of Appeals, and both parties
  were sent a letter from the Court stating:
- ... A response to the motion must be filed within 15 days of the filing of the motion. Filing a response is mandatory...

(A-3)

The same letter goes on to state:

... **PLEASE NOTE:** Both a motion for discretionary review and a response are required. This court <u>will</u> <u>dismiss</u> the case or <u>sanction counsel for failing to timely</u> <u>file these pleadings</u>...

(A-3)

The Prosecuting Attorney did fail to timely file a Response, for when computed, the date a response from the Prosecuting Attorney was due was February 4, 2006, a Saturday. By rule, the Prosecuting Attorney would have the date due moved to the following business day, Monday, February 6, 2006. As of February 6, 2006, Mr. Magee had not received a Response from the Prosecuting Attorney in violation of the Court of Appeals specific instructions, namely that the RAP's would be enforced. RAP 18.5(a) states:

(a) Service. Except when a rule requires the appellate court commissioner or clerk or the trial court clerk to serve a particular paper, and except as provided

in rule 9.5, a person filing a paper <u>must, at or before the</u> <u>time of filing, serve a copy of the paper on all parties</u>...

RAP 18.5(a) (emphasis added)

RAP 18.5(a) provides that "Service must be made as provided in CR 5(b), (f), (g), and (h)." RAP 18.5(a).

CR 5(b) provides that:

### (2) Service by Mail.

(A) How Made. If service is made by mail, the papers shall be deposited in the <u>post office</u> addressed to the person on whom they are being served, with the postage prepaid. The service shall be deemed complete <u>upon the third day following the day upon which they are placed in the mail</u>...

## CR 5(b) (emphasis added)

The Prosecuting Attorney followed neither RAP 18.5, nor CR 5(b), because they did not timely nor properly serve and file a Response with Mr. Magee, and, did not use the post office to deliver their late/invalid Response via the post office. Instead, they used a private carrier which verifies that the invalid Response was delivered a day late. (A-4,5,6)

Mr. Magee, based upon the Court of Appeals mandate that if the rules were not complied with, moved the court to grant his appeal unopposed. The Prosecuting Attorney, however, filed a signed/certified Response to that Motion, representing, when simply untrue, that it had (a) used the U.S. Mail to send their Response, and that, (b) had mailed it in a timely manner. (A-7)

The Court of Appeals did, and has remained silent on this matter.

(Lastly, it should bear note that the Prosecuting Attorney filed a Supplemental Brief in this matter before this Court, and Mr. Magee received his copy weeks after it was filed, making it untimely under the Court rules.)

#### VI CONCLUSION

Mr. Magee respectfully requests that review be granted, and that the affirmation by the Court of Appeals of the Superior Court and of the District Court be reversed, and that Mr. Magee be awarded costs/attorney's

fees, and that the appropriate sanctions be imposed against Respondent because:

- 1. Mr. Magee's compulsory due process rights under the Constitution of the State of Washington,
  Article 1, § 3, were violated when he was unlawfully issued the citation, and;
- 2. Mr. Magee's compulsory due process rights under the Constitution of the State of Washington,
  Article 1, § 3, were violated when he was unlawfully stopped and detained, and;
- 3. The Court of Appeals holding, affirming the District Court's generalizing three separate statutes under the RCW to find Mr. Magee as having committed an offense is in direct contradiction of the law set forth by The Supreme Court of Washington under *Davis* v. *Microsoft Corp.*, 149 Wn.2d 521, 70 P.3d 126 (2003), and;

- 4. Mr. Magee's compulsory due process rights under the Constitution of the State of Washington,
  Article 1, § 3, were violated when timely and properly discovery, which would have exonerated him, was not produced, and;
- 5. Mr. Magee was issued a traffic (moving violation) citation, when he was only ever observed parked, and that allowing law enforcement to do so is an issue of substantial public interest that should be determined by The Supreme Court, and;
- 6. The Court of Appeals' central analysis, from which it based its holding, was based on an impossible factual conclusion.

### **APPENDIX**

Respectfully submitted this 2<sup>nd</sup> day of March, 2009

Andrew L. Magee,
WSBA# 31281
44<sup>th</sup> Floor

1001 Fourth Avenue Plaza

Seattle, Washington 98154

(206) 389-1675

(FAX) (253) 798-6636



Office of Prosecuting Attorney

REPLY TO: CRIMINAL FELONY DIVISION 930 Tacoma Avenue South, Room 946 Tacoma, Washington 98402-2171 Criminal Felony Records: (253) 798-6513 Victim-Witness Assistance: (253) 798-7400 GERALD A. HORNE Prosecuting Attorney

Main Office: (253) 798-7400 (WA Only) 1-800-992-2456

July 26, 2005

Andrew Luke Magee 4104 Edgewater Place, Apartment 153 Seattle, Washington 98112

Re:

State of Washington v. ANDREW LUKE MAGEE

No.

05-2-09617-4

Dear Mr. Magee:

Our office has received your notice of appeal in this matter. Pursuant to RALJ 7.2, the appellant's brief must be filed by September 8, 2005. Our response brief must be filed 30 days thereafter.

RALJ 6.3.1(a) also requires the appellant to file and serve a transcript of the trial court proceedings with the appellant's brief. The transcript will be returned to you upon completion of our brief.

If your brief and transcript are not filed by September 8, 2005, we will set this matter before Superior Court so that the Judge may take action. If you need an extension please contact our office prior to the above due date.

Sincerely,

P. GRACE KINGMAN

Deputy Prosecuting Attorney

cc: Superior Court

A-1

Andrew L. Magee WSBA # 31281

TRANSCRIPTION OF TELPHONE MESSAGE OF GRACE KINGMAN - 3



# Washington State Court of Appeals Division Two

950 Broadway, Suite 300, Tacoma, Washington 98402-4454

David Ponzoha, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, Issue Summaries, and General Information at http://www.courts.wa.gov/courts

January 30, 2006

Kathleen Proctor Pierce County Prosecuting Atty Ofc 930 Tacoma Ave S Rm 946 Tacoma, WA, 98402-2171 Andrew L. Magee 1001 Fourth Ave Plaza 44th Fl Seattle, WA, 98154

#### **AMENDED**

CASE #: 34261-8-II

Pierce County, Respondent v Andrew Magee, Petitioner

Re: Pierce County. No. 05-2-09617-4

Case Manager: Sandy

Dear Counsel:

A Notice for Discretionary Review filed January 5, 2006 has been received and assigned No. 34261-8-II.

The time periods for complying with the Rules of Appellate Procedure are as follows:

- 1. A Motion for Discretionary Review was filed with the clerk of this court *January* 20, 2006.
- 2. According to this court's General Order 05-1, effective May 9, 2005, a commissioner of this court will consider the merits of the motion for discretionary review without oral argument, unless the court, in its sole discretion, directs otherwise.
- 3. A response to the motion must be filed within 15 days of the filing of the motion. Filing a response is mandatory.
- 4. A reply, if filed, is due within 7 days after the response is filed.

#### PLEASE NOTE:

Both a motion for discretionary review and a response are required. This court will dismiss the case or sanction counsel for failing to timely file these pleadings. *See* RAP 18.9. Requests for extensions of time must be made by motion and affidavit showing good cause.

Counsel are cautioned to review the RAPs for other applicable rules. A commissioner will consider the motion in the next term after it is filed.

Very truly yours,

David C. Ponzoha,

Court Clerk

DCP:skw

cc: Pierce County Clerk

A - 4

COURT AFFEALS

COFER 17 PM 1: 14

STATE A MALLMHAGTON

BY

### IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION II

STATE OF WASHINGTON

Respondent,

NO. 34261-8

11 || <sup>v</sup>·

ANDREW L. MAGEE

Petitioner.

RESPONSE TO PETITIONER'S SECOND MOTION FOR DISCRETIONARY REVIEW

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### I. <u>IDENTITY OF MOVING PARTY</u>

Respondent, State of Washington, respectfully requests the relief designated in Part II.

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### II. RELIEF REQUESTED

The State asks this Court to deny the petitioner's second motion for discretionary review of on the basis of improper service of the State's response brief.

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### III. GROUNDS FOR RELIEF

Granting discretionary review on the basis of improper service is not appropriate in this case because proper service was effectuated under RAP 18.5 and CR 5(b)(2)(A)(B).

MOTION TO DISMISS DUE TO APPELLANT'S UNTIMELY FILING OF NOTICE OF APPEAL mageedis.doc
Page 1

Office of Prosecuting Attorney 930 Tacoma Avenue South, Room 946 Tacoma, Washington 98402-2171 Main Office: (253) 798-7400

### IV.

STATEMENT OF THE CASE AND ARGUMENT

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On January 20, 2006, the petitioner filed a motion for discretionary review. The State's response brief was due on February 6, 2006. On February 3, 2006, the State's response brief was mailed to the petitioner. (Appendix "A" and "B").

At the time the State's response brief was sent to the petitioner, Heather Johnson, a legal assistant with the Pierce County Prosecuting Attorney's Office, completed a "certificate of service" form, indicating that the response brief was mailed to the petitioner. (Appendix "A"). Ms. Johnson did not send the petitioner the State's response brief via legal messenger. (Appendix "B"). The State has complied with RAP 18.5 and CR 5(2) in providing valid service.

#### V. CONCLUSION

The State respectfully requests that the petitioner's second motion for discretionary review be denied.

DATED: February 16, 2006.

GERALD A. HORNE

Pierce County

Prosecuting Attorney

Deputy Prosecuting Attorney

WSB # 32724

Certificate of Service:

The undersigned certifies that on this day she delivered by U.S. Mail to the attorney of record for the Appellant a true

and correct copy of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the

laws of the State of Washington. Signed at Tacoma, Washington, on the date below.

ignature

# APPENDIX "A"

Certificate of Service

petitioner does not cite to any authority under which this court should grant discretionary The petitioner has failed to establish that review is appropriate under RAP 2.3(d). For the foregoing reasons, the State respectfully requests this Court to deny the petitioner's motion for discretionary review. GERALD A. HORNE Pierce County Prosecuting Attorney

Deputy Prosecuting Attorney

WSB # 32724

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# APPENDIX "B"

Affidavit of Heather M. Johnson

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6	IN THE COU	RT OF APPEALS	
7	OF THE STATE OF WASHINGTON DIVISION II		
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9	STATE OF WASHINGTON,		
10	Respondent,	NO. 34216-8	
11	v.	110. 3.210 0	
12			
13	ANDREW L. MAGEE,	AFFIDAVIT OF HEATHER M. JOHNSON	
14			
15	Petitioner.		
16	STATE OF WASHINGTON)		
17	: ss. COUNTY OF PIERCE )		
18	The undersigned, being first duly sworn upon oath, deposes and says:		
19	1. That I am a legal assistant currently employed by the Pierce County		
20	Prosecutor's Office.		
21	2. That I was the legal assistant assigned to work on the Response to Motion		
22	for Discretionary Review in this matter.	•	
23		fline and mailed it to the Detitioner or	
24		filing and mailed it to the Petitioner on	
25	February 3, 2006.		

1	4. As indicated in the Certificate of Service this item was mailed to the
2	Petitioner and not sent via Legal Messenger.
3	Further your affiant sayeth naught.
4	
5	HEATHER M. JOHNSON
6	
7	SUBSCRIBED AND SWORN to before me this 1574ay of February, 2006.
. 8	
9	Milhelle M. Erans
10	NOTARY PUBLIC, in and for the State of Washington, residing
11	at <u>fugallup</u> My Commission Expires: 5/20/06
12	Certificate of Service:
13	The undersigned certifies that on this day she delivered by U.S. mail or ABC-LMI delivery to the attorney of record for the appellanta and appellant c/o his or her attorney or to the attorney of record for the respondent and
14	respondent c/o his or her attorney true and correct copies of the document to which this certificate is attached. This statement is certified to be true and
15	correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.
16	Date Signature
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